

803 KAR 2:425. Toxic and hazardous substances.

RELATES TO: 29 C.F.R. 1926.1101-1926.1153

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations. 29 C.F.R. 1926.1101 to 1926.1153 establish the federal requirements relating to toxic and hazardous substances. This administrative regulation establishes the general standards to be enforced by the Department of Workplace Standards in the construction industry.

Section 1. Definitions. (1) "Assistant secretary" means Secretary, Labor Cabinet or Commissioner, Department of Workplace Standards, Labor Cabinet.

(2) "Director" means Director, Division of Occupational Safety and Health Compliance, Kentucky Labor Cabinet.

(3) "U.S. Department of Labor" means Kentucky Labor Cabinet or U.S. Department of Labor.

Section 2. Except as modified by the definitions in Section 1 of this administrative regulation, or as provided under Section 3 of this administrative regulation, the construction industry shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Services, General Services Administration:

(1) 29 C.F.R. 1926.1101 through 1926.1153, revised as of July 1, 2016; and

(2) The amendments to 29 C.F.R. 1926 Subpart Z as published in the January 9, 2017 Federal Register, Volume 82, Number 5.

Section 3. (1) The provisions of 29 C.F.R. 1926.1153 shall not be in effect as to the construction industry until the United States Department of Labor, Occupational Safety and Health Administration begins enforcement of the standard.

(2) The construction industry shall comply with mineral dusts table for silica exposure in Appendix A to 29 C.F.R. 1926.55, as adopted in 803 KAR 2:403, until the United States Department of Labor, Occupational Safety and Health Administration begins enforcement of 29 C.F.R. 1926.1153. (20 Ky.R. 2751; eff. 5-11-1994; Am. 21 Ky.R. 121; eff. 9-12-1994; 2278; eff. 4-20-1995; 23 Ky.R. 3950; eff. 7-17-1997; 33 Ky.R. 3067; 3378; eff. 6-1-2007; TAm eff. 9-8-2011; 43 Ky.R. 1683; 1954; eff. 6-2-2017; 44 Ky.R. 337; eff. 11-3-2017.)